

Executive Summary – Enforcement Matter – Case No. 47514

City of Robert Lee

RN101920163

Docket No. 2013-1621-MWD-E

Order Type:

Findings Agreed Order

Findings Order Justification:

Three or more enforcement actions (NOVs, orders, etc.) over the prior five year period for the same violation(s).

Media:

MWD

Small Business:

No

Location(s) Where Violation(s) Occurred:

City of Robert Lee WWTP, located at 101 West 1st Street on the east bank of the Colorado River, approximately 2,500 feet southwest of the Coke County Courthouse, Robert Lee, Coke County

Type of Operation:

Wastewater treatment plant

Other Significant Matters:

Additional Pending Enforcement Actions: Yes, Docket No. 2014-0417-MWD-E

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: April 18, 2014

Comments Received: No

Penalty Information

Total Penalty Assessed: \$13,612

Amount Deferred for Expedited Settlement: \$0

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$0

Total Due to General Revenue: \$0

Payment Plan: N/A

SEP Conditional Offset: \$13,612

Name of SEP: Texas Association of Resource Conservation and Development Areas, Inc.

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Satisfactory

Major Source: No

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: September 2011

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City of Robert Lee
RN101920163
Docket No. 2013-1621-MWD-E

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: July 24, 2013

Date(s) of NOE(s): August 23, 2013

Violation Information

1. Failed to timely submit effluent monitoring results at the intervals specified in the permit [30 TEX. ADMIN. CODE §§ 305.125(1), 305.125(17), and 319.7(d) and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0013901001 Monitoring and Reporting Requirements No. 1].
2. Failed to timely submit monitoring results at the intervals specified in the permit [30 TEX. ADMIN. CODE §§ 305.125(1), 305.125(17) and 319.4 and TPDES Permit No. WQ0013901001 Monitoring and Reporting Requirements No. 1].
3. Failed to comply with permitted effluent limitations for total suspended solids, ammonia nitrogen, and 5-day carbonaceous biochemical oxygen demand [TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and TPDES Permit No. WQ0013901001, Interim Effluent Limitations and Monitoring Requirements No. 1].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

- a. By August 29, 2013, the Respondent submitted revised discharge monitoring reports ("DMRs") containing data for daily maximum flow for the monitoring period ending May 31, 2012, and for 5-day carbonaceous biochemical oxygen demand single grab analytical results for the monitoring period ending September 30, 2012; and
- b. By September 6, 2013, the Respondent submitted DMRs for the monitoring periods ending November 30, 2012; December 31, 2012; and January 31, 2013 through April 30, 2013.

Technical Requirements:

1. The Order will require the Respondent to implement and complete a Supplemental Environmental Project ("SEP"). (See SEP Attachment A)
2. The Order will also require the Respondent to:
 - a. Within 30 days, update the Facility's operational guidance and conduct employee training to ensure that all sampling and analytical procedures are properly

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City of Robert Lee

RN101920163

Docket No. 2013-1621-MWD-E

accomplished and to ensure that complete written reports are properly submitted to TCEQ;

b. Within 45 days, submit written certification of compliance with Ordering Provision a.; and

c. Within 90 days, submit written certification of compliance with the permitted effluent limitations of TPDES Permit No. WQ0013901001, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current DMRs, demonstrating at least three consecutive months of compliance with all permitted effluent limitations.

Litigation Information

Date Petition(s) Filed: N/A

Date Answer(s) Filed: N/A

SOAH Referral Date: N/A

Hearing Date(s): N/A

Settlement Date: N/A

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Jill Russell, Enforcement Division, Enforcement Team 3, MC 169, (512) 239-4564; Candy Garrett, Enforcement Division, MC 219, (512) 239-1456

TCEQ SEP Coordinator: Stuart Beckley, SEP Coordinator, Enforcement Division, MC 219, (512) 239-3565

Respondent: The Honorable John R. Jacobs, Mayor, City of Robert Lee, P.O. Box 26, Robert Lee, Texas 76945-0026

Respondent's Attorney: N/A

Attachment A
Docket Number: 2013-1621-MWD-E
SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	City of Robert Lee
Penalty Amount:	Thirteen Thousand Six Hundred Twelve Dollars (\$13,612)
SEP Offset Amount:	Thirteen Thousand Six Hundred Twelve Dollars (\$13,612)
Type of SEP:	Contribution to a Third-Party Pre-Approved SEP
Third-Party Administrator:	Texas Association of Resource Conservation and Development Areas, Inc.
Project Name:	<i>Tire Collection Events and Cleanup of Abandoned Tire Sites</i>
Location of SEP:	Coke County, Colorado River Basin, Edwards-Trinity Plateau Aquifer

The Texas Commission on Environmental Quality (“TCEQ”) agrees to offset the administrative penalty amount assessed in this Agreed Order for Respondent to contribute to a Supplemental Environmental Project (“SEP”). The offset is equal to the SEP Offset Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

a. Project

Respondent shall contribute the SEP Offset Amount to the Third-Party Administrator named above. The contribution will be to the **Texas Association of Resource Conservation and Development Areas, Inc. (“RC&D”)** for the *Tire Collection Events and Cleanup of Abandoned Tire Sites* project. The contribution will be used in accordance with the SEP Agreement between the Third-Party Administrator and the TCEQ (the “Project”). Specifically, the SEP Offset Amount will be used to coordinate with local city and county government officials and private entities (“Partner Entities”) to conduct tire collection events where residents will be able to drop off tires for proper disposal or recycling (“Collection Events”), or to clean sites where tires have been disposed of illegally (“Site Cleanups”).

RC&D shall ensure that collected tires, debris, and waste are properly transported to and disposed at an authorized disposal site, and if a licensed hauler is needed for tires or other regulated waste collected from sites, RC&D shall ensure that only properly licensed haulers are used for transport and disposal of tires and regulated wastes. The SEP will be

performed in accordance with all federal, state, and local environmental laws and regulations.

All dollars contributed will be used solely for the direct cost of the Project, including but not limited to supplies, materials, and equipment. Any portion of this contribution that is not able to be spent on the specifically identified SEP may, at the discretion of the Executive Director ("ED"), be applied to another pre-approved SEP.

Respondent's signature affixed to this Agreed Order certifies that it has no prior commitment to make this contribution and that it is being contributed solely in an effort to settle this enforcement action. Respondent shall not profit in any manner from this SEP.

b. Environmental Benefit

This SEP will provide an environmental benefit by providing communities with a free and convenient means for safe and proper disposal of tires and by reducing the dangers and health threats associated with illegally dumped tires.

The health risks associated with illegal dumping are significant. Areas used for illegal tire dumping may be easily accessible to people, especially children, who are vulnerable to the physical hazards posed by abandoned tires. Rodents, insects, and other vermin attracted to dump sites may also pose health risks. Tire dump sites which contain scrap tires pose an ideal breeding ground for mosquitoes, which can breed 100 times faster in the warm, stagnant water standing in scrap tire casings. Severe illnesses, including West Nile Virus, have been attributed to disease-carrying mosquitoes. The potential for tire fires is also reduced by removing illegally dumped tires. Tire fires can result in the contamination of air, surface water, ground water, and soil. In addition, neighborhoods have been evacuated and property damage has been significant due to tire dump sites that caught fire. Illegal tire dumping can also impact drainage of runoff, making areas more susceptible to flooding when wastes block waterways. Open burning at tire dump sites can cause forest fires and erosion as fires burn away trees and undergrowth. Tire dumping has a negative impact on trees and wildlife, and runoff from tire dumpsites may contain chemicals that can contaminate wells and surface water used for drinking.

c. Minimum Expenditure

Respondent shall contribute at least the SEP Offset Amount to the Third-Party Administrator and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, Respondent must contribute the SEP Offset Amount to the Third-Party Administrator. Respondent shall make the check payable to **Texas Association of RC&D SEP** and shall mail the contribution with a copy of the Agreed Order to:

Texas Association of RC&D Areas, Inc.
Ken Awtrey, Executive Director
P.O. Box 635067
Nacogdoches, Texas 75963-5067

3. Records and Reporting

Concurrent with the payment of the SEP Offset Amount, Respondent shall provide the Enforcement SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Offset Amount to the Third-Party Administrator. Respondent shall mail a copy of the check and transmittal letter to:

Texas Commission on Environmental Quality
Enforcement Division
Attention: SEP Coordinator, MC 219
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If Respondent does not perform its obligations under this Attachment A, including full expenditure of the SEP Offset Amount, as described in Sections 2 and 3 above, the ED may require immediate payment of all or part of the SEP Offset Amount.

In the event the ED determines that Respondent failed to fully implement and complete the Project, Respondent shall remit payment for all or a portion of the SEP Offset Amount, as determined by the ED, and as set forth in the attached Agreed Order. After receiving notice of failure to complete the SEP, Respondent shall include the docket number of the attached Agreed Order and a note that the enclosed payment is for the reimbursement of a SEP. Respondent shall make the check payable to "Texas Commission on Environmental Quality" and shall mail it to:

City of Robert Lee
Agreed Order - Attachment A

Texas Commission on Environmental Quality
Litigation Division
Attention: SEP Coordinator, MC 175
P.O. Box 13087
Austin, Texas 78711-3087

5. Publicity

Any public statements concerning this SEP and/or project, made by or on behalf of Respondent must include a clear statement that **the project was performed as part of the settlement of an enforcement action brought by the TCEQ**. Such statements include advertising, public relations, and press releases.

6. Clean Texas Program

Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP Offset Amount identified in this Attachment A and in the attached Agreed Order has not been, and shall not be, included as a SEP for Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.



Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

DATES	Assigned	26-Aug-2013	Screening	27-Aug-2013	EPA Due	
	PCW	7-Oct-2013				

RESPONDENT/FACILITY INFORMATION	
Respondent	City of Robert Lee
Reg. Ent. Ref. No.	RN101920163
Facility/Site Region	8-San Angelo
Major/Minor Source	Minor

CASE INFORMATION		No. of Violations	4
Enf./Case ID No.	47514	Order Type	Findings
Docket No.	2013-1621-MWD-E	Government/Non-Profit	Yes
Media Program(s)	Water Quality	Enf. Coordinator	Jill Russell
Multi-Media		EC's Team	Enforcement Team 3
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1** **\$8,250**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History **65.0%** Enhancement **Subtotals 2, 3, & 7** **\$5,362**

Notes: Enhancement for three months of self-reported effluent violations and two orders without denial of liability.

Culpability **No** **0.0%** Enhancement **Subtotal 4** **\$0**

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments **Subtotal 5** **\$0**

Economic Benefit **0.0%** Enhancement* **Subtotal 6** **\$0**

Total EB Amounts \$734
Approx. Cost of Compliance \$10,450
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal** **\$13,612**

OTHER FACTORS AS JUSTICE MAY REQUIRE **0.0%** **Adjustment** **\$0**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount **\$13,612**

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** **\$13,612**

DEFERRAL **0.0%** Reduction **Adjustment** **\$0**

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes:

No deferral is recommended for Findings Orders.

PAYABLE PENALTY **\$13,612**

Screening Date 27-Aug-2013

Docket No. 2013-1621-MWD-E

PCW

Respondent City of Robert Lee

Policy Revision 3 (September 2011)

Case ID No. 47514

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101920163

Media [Statute] Water Quality

Enf. Coordinator Jill Russell

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	3	15%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	2	50%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 65%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance
History
Notes

Enhancement for three months of self-reported effluent violations and two orders without denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 65%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 65%

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PCW

Respondent City of Robert Lee

Policy Revision 3 (September 2011)

Case ID No. 47514

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101920163

Media [Statute] Water Quality

Enf. Coordinator Jill Russell

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code §§ 305.125(1), 305.125(17), and 319.7(d), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0013901001 Monitoring and Reporting Requirements No. 1

Violation Description

Failed to timely submit effluent monitoring results at the intervals specified in the permit, as documented in a record review conducted on July 24, 2013. Specifically, discharge monitoring reports ("DMRs") for the monitoring periods ending November 30, 2012 through April 30, 2013, were not submitted by the 20th day of the following month.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				0.0%
Potential				

>> Programmatic Matrix

Matrix Notes	Falsification				Percent
	Major	Moderate	Minor		
			X		1.0%

At least 70% of the requirement was met.

Adjustment \$24,750

\$250

Violation Events

Number of Violation Events 6 252 Number of violation days

mark only one with an x	daily	
	weekly	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	X

Violation Base Penalty \$1,500

Six single events are recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

	Before NOV	NOV to EDRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$1,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$16

Violation Final Penalty Total \$2,475

This violation Final Assessed Penalty (adjusted for limits) \$2,475

Economic Benefit Worksheet

Respondent City of Robert Lee
 Case ID No. 47514
 Reg. Ent. Reference No. RN101920163
 Media Water Quality
 Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$250	24-Jul-2013	6-Jun-2014	0.87	\$11	n/a	\$11
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$150	20-Dec-2012	6-Sep-2013	0.71	\$5	n/a	\$5

Notes for DELAYED costs

Estimated costs to submit the missing DMRs (\$25 per DMR). Date required is the date that the earliest missing DMR was due. The final date is the date the missing DMRs were submitted. Estimated costs to update the Facility's operational guidance and conduct training to ensure that all reporting procedures are properly accomplished, including procedures to ensure that DMRs are timely submitted. Date required is the date of the investigation. The final date is the expected date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$400

TOTAL

\$16

Screening Date 27-Aug-2013

Docket No. 2013-1621-MWD-E

PCW

Respondent City of Robert Lee

Policy Revision 3 (September 2011)

Case ID No. 47514

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101920163

Media [Statute] Water Quality

Enf. Coordinator Jill Russell

Violation Number 2

Rule Cite(s)

30 Tex. Admin. Code §§ 305.125(1), 305.125(17), and 319.4, and TPDES Permit No. WQ0013901001 Monitoring and Reporting Requirements No. 1

Violation Description

Failed to timely submit monitoring results at the intervals specified in the permit, as documented in a record review conducted on July 24, 2013. Specifically, the Respondent failed to submit analytical results for maximum daily flow for the monitoring period ending May 31, 2012, and for five-day carbonaceous biochemical oxygen demand ("CBOD₅") single grab for the monitoring period ending September 30, 2012, by the 20th day of the following month.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

	Major	Moderate	Minor
Release			
Actual			
Potential			

Percent 0.0%

>> Programmatic Matrix

	Major	Moderate	Minor
Falsification			X

Percent 1.0%

Matrix Notes

More than 70% of the rule requirement was met.

Adjustment \$24,750

\$250

Violation Events

Number of Violation Events 2

435 Number of violation days

mark only one
with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty \$500

Two single events are recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$3

Violation Final Penalty Total \$825

This violation Final Assessed Penalty (adjusted for limits) \$825

Economic Benefit Worksheet

Respondent City of Robert Lee
Case ID No. 47514
Reg. Ent. Reference No. RN101920163
Media Water Quality
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$50	20-Jun-2012	29-Aug-2013	1.19	\$3	n/a	\$3

Notes for DELAYED costs

Estimated costs to submit the revised DMRs to the TCEQ (\$25 per DMR) which include the maximum daily flow and CBOD₅ single grab results. Date required is the date that the earliest missing parameter data for the effluent was due. The final date is the date revised DMRs were submitted.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$50

TOTAL

\$3

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PCW

Respondent City of Robert Lee

Policy Revision 3 (September 2011)

Case ID No. 47514

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101920163

Media [Statute] Water Quality

Enf. Coordinator Jill Russell

Violation Number 3

Rule Cite(s)

Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), and TPDES Permit No. WQ0013901001, Interim Effluent Limitations and Monitoring Requirements No. 1

Violation Description

Failed to comply with permitted effluent limitations, as documented during a record review conducted on September 13, 2013, and shown on the attached table.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual		X	
Potential			

Percent 15.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

A simplified model was used to evaluate carbonaceous biochemical oxygen demand (5-day) and ammonia nitrogen to determine whether the discharged amounts of pollutants exceeded levels protective of human health or the environment. As a result of these discharges, human health or the environment has been exposed to significant amounts of pollutants which do not exceed levels protective of human health or environmental receptors.

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 1

31 Number of violation days

mark only one with an x	daily	
	weekly	
	monthly	X
	quarterly	
	semiannual	
	annual	
	single event	

Violation Base Penalty \$3,750

One monthly event is recommended for the quarter containing the month of December 2012.

Good Faith Efforts to Comply

0.0% Reduction

\$0

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$3,750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$715

Violation Final Penalty Total \$6,188

This violation Final Assessed Penalty (adjusted for limits) \$6,188

Economic Benefit Worksheet

Respondent City of Robert Lee
Case ID No. 47514
Reg. Ent. Reference No. RN101920163
Media Water Quality
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$10,000	31-Dec-2012	6-Jun-2014	1.43	\$715	n/a	\$715

Notes for DELAYED costs

Estimated cost to determine the cause of noncompliance and take necessary corrective actions to maintain compliance with permitted effluent limits. Date required is the first month of noncompliance. The final date is the expected date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$10,000

TOTAL

\$715

Screening Date 27-Aug-2013

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PCW

Respondent City of Robert Lee

Policy Revision 3 (September 2011)

Case ID No. 47514

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101920163

Media [Statute] Water Quality

Enf. Coordinator Jill Russell

Violation Number 4

Rule Cite(s)

Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), and TPDES Permit No. WQ0013901001, Interim Effluent Limitations and Monitoring Requirements No. 1

Violation Description

Failed to comply with permitted effluent limitations, as documented during a record review conducted on September 13, 2013, and shown on the attached table.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent 5.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

A simplified model was used to evaluate carbonaceous biochemical oxygen demand (5-day) and ammonia nitrogen to determine whether the discharged amounts of pollutants exceeded levels protective of human health or the environment. Total suspended solids were also considered. As a result of these discharges, human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels protective of human health or environmental receptors.

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events 2

61 Number of violation days

mark only one
with an x

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

Violation Base Penalty \$2,500

Two quarterly events are recommended for quarters containing the months of January and April 2013.

Good Faith Efforts to Comply

0.0% Reduction

\$0

Before NOV NOV to EDRP/Settlement Offer

Extraordinary

Ordinary

N/A

X (mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$2,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$4,125

This violation Final Assessed Penalty (adjusted for limits) \$4,125

Economic Benefit Worksheet

Respondent City of Robert Lee
Case ID No. 47514
Reg. Ent. Reference No. RN101920163
Media Water Quality
Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

See Economic Benefit for Violation No. 3

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$0

TOTAL

\$0

Effluent Violations Table					
City of Robert Lee					
RN101920163; Docket 2013-1621-MWD-E					
TPDES Permit No. WQ0013901001					
	Ammonia Nitrogen DAV Concentration	Ammonia Nitrogen SG Concentration	Ammonia Nitrogen Loading	Carbonaceous Biochemical Oxygen Demand (5 Day) DAV	Total Suspended Solids DAV
Month/ Year	Limit = 3 mg/L	Limit = 15 mg/L	Limit = 3 lbs/day	Limit = 10 mg/L	Limit = 15 mg/L
December 2012	24.42	33	7.67	12.92	c
January 2013	17.53	27	5.26	13.68	18
April 2013	11.90	16	c	11.67	c

DAV = Daily Average, SG = Single Grab

mg/L = milligrams per liter

lbs/day = pounds per day

c = Compliant

The TCEQ is committed to accessibility.

To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.



Compliance History Report

PENDING Compliance History Report for CN600643407, RN101920163, Rating Year 2013 which includes Compliance History (CH) components from September 1, 2008, through August 31, 2013.

Customer, Respondent, or Owner/Operator: CN600643407, City of Robert Lee

Classification: SATISFACTORY

Rating: 22.05

Regulated Entity: RN101920163, City of Robert Lee
WWTP

Classification: SATISFACTORY

Rating: 31.85

Complexity Points: 9

Repeat Violator: NO

CH Group: 08 - Sewage Treatment Facilities

Location: 101 West 1st Street on the east bank of the Colorado River, approximately 2,500 feet southwest of the Coke County Courthouse, Robert Lee, Coke County, Texas

TCEQ Region: REGION 08 - SAN ANGELO

ID Number(s):

WASTEWATER PERMIT WQ0013901001

WASTEWATER EPA ID TX0022942

WASTEWATER AUTHORIZATION R13901001

Compliance History Period: September 01, 2008 to August 31, 2013

Rating Year: 2013

Rating Date: 09/01/2013

Date Compliance History Report Prepared: September 13, 2013

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: September 13, 2008 to September 13, 2013

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.

Name: Jill Russell

Phone: (512) 239-4564

Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five year compliance period? YES
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO
- 3) If **YES** for #2, who is the current owner/operator? N/A
- 4) If **YES** for #2, who was/were the prior owner(s)/operator(s)? N/A
- 5) If **YES**, when did the change(s) in owner or operator occur? N/A

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:

- 1 Effective Date: 10/24/2009 ADMINORDER 2009-0625-MLM-E (Findings Order-Agreed Order Without Denial)
Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Rqmt Prov:Effluent Limits PERMIT
Description: Failure to comply with permit effluent limits as documented by a TCEQ record review of self-reported data.
- 2 Effective Date: 08/13/2011 ADMINORDER 2010-0417-MLM-E (Findings Order-Agreed Order Without Denial)
Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Rqmt Prov:Sludge Prov. Sec. III. E and F(1) PERMIT
Description: Failed to conduct paint filter liquid tests for sewage sludge
Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(17)

Rqmt Prov:Sludge Provisions PERMIT

Description: Failure to timely submit the completed annual sludge report for the monitoring period ending July 31, 2009.

Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov:Mon & Rep Req. No. 3.a and Op. Req. No 5 PERMIT

Description: Failure to monitor the facility's flow to ensure the average discharge during any two hour period (2-hour peak) does not exceed 336 gallons per minute (gpm).

Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)

30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov:Eff. Lim. & Mon. Req. No. 1 PERMIT

Description: Failure to meet one or more permit effluent limitations.

Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov:Mon. & Rep. Req. No. 3.c.i PERMIT

Description: Failure to monitor effluent as specified in the permit.

Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

30 TAC Chapter 319, SubChapter A 319.7(c)

Rqmt Prov:Mon. & Rep. Req. No. 3.b PERMIT

Description: Failure to maintain, provide or make records available for review.

Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov:Mon & Rep Req No 1 and Op Req No 2 PERMIT

Description: Failure to submit complete and accurate Discharge Monitoring Reports (DMRs) for the monitoring periods ending May 31, 2009 and October 31, 2009.

Classification: Minor

Citation: 30 TAC Chapter 317 317.6(b)(1)(D)

Description: Failure to maintain a properly functioning self-contained breathing apparatus (SCBA).

Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

30 TAC Chapter 317 317.4(j)(9)

Rqmt Prov:Operational Req. No. 1 PERMIT

Description: Failure to properly maintain the embankments of the effluent holding pond.

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov:Other REq. No. 7.a PERMIT

Description: Failure to conduct annual soil monitoring for the irrigation site.

Classification: Moderate

Citation: 30 TAC Chapter 317 317.7(e)

Description: Failure to properly secure the gate to the effluent holding pond.

Classification: Minor

Citation: 30 TAC Chapter 319, SubChapter A 319.11(d)

Rqmt Prov:Operational Req. No. 5 PERMIT

Description: Failure to have a properly installed staff gauge.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

D. The approval dates of investigations (CCEDS Inv. Track. No.):

Item 1	January 20, 2009	(750871)	Item 6	February 01, 2010	(806207)
Item 2	March 20, 2009	(768826)	Item 7	February 19, 2010	(791975)
Item 3	April 09, 2009	(768827)	Item 8	March 25, 2010	(806202)
Item 4	May 18, 2009	(768828)	Item 9	April 08, 2010	(1061595)
Item 5	January 04, 2010	(806206)	Item 10	September 09, 2010	(1061607)

Item 11	March 18, 2011	(1061593)	Item 18	November 16, 2011	(1061620)
Item 12	March 22, 2011	(906983)	Item 19	June 21, 2012	(1061606)
Item 13	April 28, 2011	(1061599)	Item 20	July 26, 2012	(1061609)
Item 14	May 23, 2011	(1061602)	Item 21	September 24, 2012	(1061615)
Item 15	June 24, 2011	(1061605)	Item 22	October 18, 2012	(1061618)
Item 16	September 30, 2011	(1061611)	Item 23	November 28, 2012	(1061612)
Item 17	October 19, 2011	(1061617)			

E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

- 1 Date: 12/31/2012 CN600643407
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter
- 2 Date: 01/31/2013 CN600643407
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter
- 3 Date: 04/30/2013 CN600643407
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

F. Environmental audits:

N/A

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

Component Appendices

Appendix A

All NOVs Issued During Component Period 9/13/2008 and 9/13/2013

- 1 Date: 09/30/2008 (711412) CN600643407
Classification: Moderate
Self Report? YES For Informational Purposes Only
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter
- 2 Date: 10/31/2008 (727960) CN600643407
Classification: Moderate
Self Report? YES For Informational Purposes Only
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter
- 3 Date: 11/14/2008 (704532) CN600643407
Classification: Minor
Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 317 317.4(a)(8)
Description: Failure to have the backflow prevention device tested annually.
Classification: Minor
Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
PPVII.III.D PERMIT
Description: Failure to test sludge for the required parameters.
Classification: Minor
Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)
30 TAC Chapter 317 317.4(b)(4)
Description: Failure to provide a cover for the container where screenings are temporarily stored prior to final disposal.
Classification: Minor
Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)
30 TAC Chapter 317 317.4(d)
Description: Failure to properly operate the final clarifier.
Classification: Minor
Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
PPII.2 PERMIT
Description: Failure to meet the required minimum total chlorine residual in the final effluent.
Classification: Minor
Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
PPII.1, PPIV.5 PERMIT
Description: Failure to properly monitor flow.
Classification: Moderate
Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the permitted effluent limitation for one or more parameters.
Classification: Minor
Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 319, SubChapter A 319.5(b)
PPII.1 PERMIT
Description: Failure to monitor effluent at the required frequency.
Classification: Moderate
Self Report? NO For Informational Purposes Only

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 PPIV.7.c PERMIT
 Description: Failure to submit noncompliance notification for effluent noncompliances that deviated from the permitted effluent limit by more than 40%.
 Classification: Moderate
 Self Report? NO For Informational Purposes Only
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 PPIV.5 PERMIT
 Description: Failure to have the flow meter (totalizing meter) that is used to monitor the amount of effluent applied as irrigation water calibrated at least annually.
 Classification: Moderate
 Self Report? NO For Informational Purposes Only
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 PPVIII.7.a PERMIT
 Description: Failure to conduct an annual analysis of a representative soil sample taken from the root zone of the irrigated site.
 Classification: Moderate
 Self Report? NO For Informational Purposes Only
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 PPVIII.7.j PERMIT
 Description: Failure to re-chlorinate effluent prior to delivery to the irrigation system.
 Classification: Minor
 Self Report? NO For Informational Purposes Only
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 PPVIII.7.h PERMIT
 Description: Failure to have signs at the effluent storage pond that state "DO NOT DRINK THE WATER" in English and Spanish in addition to the international symbol.
 Classification: Minor
 Self Report? NO For Informational Purposes Only
 Citation: 30 TAC Chapter 317 317.7(e)
 Description: Failure to completely fence the effluent storage pond.
 Classification: Moderate
 Self Report? NO For Informational Purposes Only
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 PPVIII.7.d PERMIT
 Description: Failure to furnish a certification by a Texas Licensed Professional Engineer that the effluent storage pond lining meets the appropriate design criteria.
 Classification: Moderate
 Self Report? NO For Informational Purposes Only
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 PPVIII.7e. PERMIT
 Description: Failure to maintain records of the volume of effluent applied as irrigation water.
 Classification: Minor
 Self Report? NO For Informational Purposes Only
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 PPII.2 PERMIT
 Description: Failure to meet the required maximum total chlorine residual in the effluent.
 Classification: Moderate
 Self Report? NO For Informational Purposes Only
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 30 TAC Chapter 305, SubChapter F 305.125(5)
 30 TAC Chapter 317 317.4(a)(5)
 Description: Failure to maintain adequate safeguards to prevent the discharge of untreated or inadequately treated wastes during electrical power failures.

4 Date: 11/30/2008 (727961) CN600643407
 Classification: Moderate

Self Report? YES For Informational Purposes Only
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter

5 Date: 01/31/2009 (750870) CN600643407

			Classification:	Moderate
	Self Report?	YES	For Informational Purposes Only	
	Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
	Description:	Failure to meet the limit for one or more permit parameter		
6	Date:	05/31/2009 (806200)	CN600643407	
			Classification:	Moderate
	Self Report?	YES	For Informational Purposes Only	
	Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
	Description:	Failure to meet the limit for one or more permit parameter		
7	Date:	06/30/2009 (806201)	CN600643407	
			Classification:	Moderate
	Self Report?	YES	For Informational Purposes Only	
	Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
	Description:	Failure to meet the limit for one or more permit parameter		
8	Date:	08/31/2009 (806203)	CN600643407	
			Classification:	Moderate
	Self Report?	YES	For Informational Purposes Only	
	Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
	Description:	Failure to meet the limit for one or more permit parameter		
9	Date:	09/30/2009 (806204)	CN600643407	
			Classification:	Moderate
	Self Report?	YES	For Informational Purposes Only	
	Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
	Description:	Failure to meet the limit for one or more permit parameter		
10	Date:	10/31/2009 (806205)	CN600643407	
			Classification:	Moderate
	Self Report?	YES	For Informational Purposes Only	
	Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
	Description:	Failure to meet the limit for one or more permit parameter		
11	Date:	01/31/2010 (806199)	CN600643407	
			Classification:	Moderate
	Self Report?	YES	For Informational Purposes Only	
	Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
	Description:	Failure to meet the limit for one or more permit parameter		
12	Date:	04/30/2010 (1061601)	CN600643407	
			Classification:	Moderate
	Self Report?	YES	For Informational Purposes Only	
	Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
	Description:	Failure to meet the limit for one or more permit parameter		
13	Date:	05/31/2010 (1061604)	CN600643407	
			Classification:	Moderate
	Self Report?	YES	For Informational Purposes Only	
	Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
	Description:	Failure to meet the limit for one or more permit parameter		

14 Date: 07/31/2010 (1061610) CN600643407
Classification: Moderate
Self Report? YES For Informational Purposes Only
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

15 Date: 08/31/2010 (1061613) CN600643407
Classification: Moderate
Self Report? YES For Informational Purposes Only
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

16 Date: 09/30/2010 (1061616) CN600643407
Classification: Moderate
Self Report? YES For Informational Purposes Only
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

17 Date: 11/30/2010 (1061622) CN600643407
Classification: Moderate
Self Report? YES For Informational Purposes Only
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

18 Date: 12/31/2010 (1061624) CN600643407
Classification: Moderate
Self Report? YES For Informational Purposes Only
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

19 Date: 02/28/2011 (900355) CN600643407
Classification: Moderate
Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 30, SubChapter J 30.331(b)
30 TAC Chapter 30, SubChapter J 30.350(d)
Other Requirement 1 PERMIT
Description: Failure to employ an operator with the appropriate level of operator certification.
Classification: Minor
Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Operational Requirements PERMIT
Description: Failure to obtain a discharge table for the staff gauge associated with the
30-degree V-notch weir.
Classification: Moderate
Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 319, SubChapter A 319.7(c)
Description: Failure to submit Monthly Effluent Reports (MERs).
Classification: Minor
Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Monitoring and Reporting Requirements PERMIT
Description: Failure to correctly complete and submit all Discharge Monitoring Reports (DMRs).
Classification: Moderate
Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Other Requirements, Requirement 7 PERMIT

Description: Failure to maintain an operator log of daily plant inspections.
Classification: Moderate

Self Report? NO For Informational Purposes Only

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Other Requirements, Requirement 9 PERMIT

Description: Failure to submit progress reports for Total Dissolved Solids (TDS) and chlorides.
Classification: Moderate

Self Report? NO For Informational Purposes Only

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Interim Effluent Limitations PERMIT

Description: Failure to maintain effluent within permitted allowables for ammonia - nitrogen
and Total Suspended Solids (TSS).

20 Date: 04/14/2011 (911997) CN600643407
Classification: Moderate

Self Report? NO For Informational Purposes Only

Citation: 30 TAC Chapter 319, SubChapter A 319.7(c)

Description: Failure to submit Monthly Effluent Reports (MERs).
Classification: Minor

Self Report? NO For Informational Purposes Only

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Monitoring and Reporting Requirements PERMIT

Description: Failure to correctly complete and submit all Discharge Monitoring Reports (DMRs).
Classification: Moderate

Self Report? NO For Informational Purposes Only

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Other Requirements, Requirement 7 PERMIT

Description: Failure to maintain an operator log of daily plant inspections.
Classification: Moderate

Self Report? NO For Informational Purposes Only

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Other Requirements, Requirement 9 PERMIT

Description: Failure to submit progress reports for Total Dissolved Solids (TDS) and chlorides.
Classification: Moderate

Self Report? NO For Informational Purposes Only

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Interim Effluent Limitations PERMIT

Description: Failure to maintain effluent within permitted allowables for ammonia - nitrogen
and Total Suspended Solids (TSS).

21 Date: 06/30/2011 (1061608) CN600643407
Classification: Moderate

Self Report? YES For Informational Purposes Only

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

22 Date: 11/30/2011 (1061623) CN600643407
Classification: Moderate

Self Report? YES For Informational Purposes Only

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

23 Date: 12/31/2011 (1061625) CN600643407
Classification: Moderate

Self Report? YES For Informational Purposes Only

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

24 Date: 01/31/2012 (1061594) CN600643407
Classification: Moderate

Self Report? YES For Informational Purposes Only
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

25 Date: 02/29/2012 (1061597) CN600643407
Classification: Moderate

Self Report? YES For Informational Purposes Only
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

26 Date: 03/31/2012 (1061600) CN600643407
Classification: Moderate

Self Report? YES For Informational Purposes Only
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

27 Date: 04/30/2012 (1061603) CN600643407
Classification: Moderate

Self Report? YES For Informational Purposes Only
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

* NOVs applicable for the Compliance History rating period 9/1/2008 to 8/31/2013

Appendix B

All Investigations Conducted During Component Period September 13, 2008 and September 13, 2013

(711412)
Item 1 October 20, 2008** For Informational Purposes Only
(727960)
Item 2 November 10, 2008** For Informational Purposes Only
(704532)
Item 3 November 14, 2008** For Informational Purposes Only
(727961)
Item 4 December 17, 2008** For Informational Purposes Only
(750871)
Item 5* January 20, 2009** For Informational Purposes Only
(750870)
Item 6 February 20, 2009** For Informational Purposes Only
(768826)
Item 7* March 20, 2009** For Informational Purposes Only
(726891)
Item 8 April 03, 2009** For Informational Purposes Only
(741452)
Item 9 April 09, 2009** For Informational Purposes Only
(768828)
Item 10* May 18, 2009** For Informational Purposes Only
(806200)

Item 11	June 22, 2009**	For Informational Purposes Only (806201)
Item 12	July 22, 2009**	For Informational Purposes Only (779293)
Item 13	October 16, 2009**	For Informational Purposes Only (806204)
Item 14	November 19, 2009**	For Informational Purposes Only (806205)
Item 15	November 30, 2009**	For Informational Purposes Only (806206)
Item 16*	January 04, 2010**	For Informational Purposes Only (806207)
Item 17*	February 01, 2010**	For Informational Purposes Only (791975)
Item 18*	February 19, 2010**	For Informational Purposes Only (806199)
Item 19	February 24, 2010**	For Informational Purposes Only (790451)
Item 20	February 25, 2010**	For Informational Purposes Only (806202)
Item 21*	March 25, 2010**	For Informational Purposes Only (1061595)
Item 22*	April 08, 2010**	For Informational Purposes Only (1061601)
Item 23	May 20, 2010**	For Informational Purposes Only (1061604)
Item 24	September 09, 2010**	For Informational Purposes Only (900355)
Item 25	February 28, 2011**	For Informational Purposes Only (1061593)
Item 26*	March 18, 2011**	For Informational Purposes Only (906983)
Item 27*	March 22, 2011**	For Informational Purposes Only (911997)
Item 28	April 08, 2011**	For Informational Purposes Only (1061599)
Item 29*	April 28, 2011**	For Informational Purposes Only (1061602)
Item 30*	May 23, 2011**	For Informational Purposes Only (922205)
Item 31	May 24, 2011**	For Informational Purposes Only (1061605)
Item 32*	June 24, 2011**	For Informational Purposes Only

Item 33	August 29, 2011**	(1061608) For Informational Purposes Only
Item 34*	September 30, 2011**	(1061611) For Informational Purposes Only
Item 35*	October 19, 2011**	(1061617) For Informational Purposes Only
Item 36*	November 16, 2011**	(1061620) For Informational Purposes Only
Item 37	December 21, 2011**	(1061623) For Informational Purposes Only
Item 38	January 23, 2012**	(1061625) For Informational Purposes Only
Item 39	February 21, 2012**	(1061594) For Informational Purposes Only
Item 40	March 20, 2012**	(1061597) For Informational Purposes Only
Item 41	April 20, 2012**	(1061600) For Informational Purposes Only
Item 42	May 17, 2012**	(1061603) For Informational Purposes Only
Item 43	June 04, 2012**	(983041) For Informational Purposes Only
Item 44	June 19, 2012**	(1009067) For Informational Purposes Only
Item 45*	June 21, 2012**	(1061606) For Informational Purposes Only
Item 46*	July 26, 2012**	(1061609) For Informational Purposes Only
Item 47*	September 24, 2012**	(1061615) For Informational Purposes Only
Item 48*	October 18, 2012**	(1061618) For Informational Purposes Only
Item 49*	November 28, 2012**	(1061612) For Informational Purposes Only
Item 50	August 23, 2013**	(1104190) For Informational Purposes Only

* No violations documented during this investigation

**Investigation applicable for the Compliance History Rating period between 09/01/2008 and 08/31/2013.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
CITY OF ROBERT LEE
RN101920163**

**§ BEFORE THE
§
§ TEXAS COMMISSION ON
§
§ ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2013-1621-MWD-E

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding the City of Robert Lee ("Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent presented this agreement to the Commission.

The Respondent understands that it has certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, the Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated settlement of the parties. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Agreed Order are binding upon the Respondent.

The Commission makes the following Findings of Fact and Conclusions of Law:

I. FINDINGS OF FACT

1. The Respondent owns and operates a wastewater treatment plant located at 101 West 1st Street on the east bank of the Colorado River, approximately 2,500 feet southwest of the Coke County Courthouse in Robert Lee, Coke County, Texas (the "Facility").

2. The Respondent has discharged municipal waste into or adjacent to any water in the state under TEX. WATER CODE ch. 26.
3. During a record review conducted on July 24, 2013, TCEQ staff documented that the Respondent did not submit discharge monitoring reports ("DMRs") for the monitoring periods ending November 30, 2012; December 31, 2012; January 31, 2013; February 28, 2013; March 31, 2013; and April 30, 2013, by the 20th day of the following month.
4. During a record review conducted on July 24, 2013, TCEQ staff documented that the Respondent did not submit data for the maximum daily flow for the monitoring period ending May 31, 2012, and analytical results for five-day carbonaceous biochemical oxygen demand ("CBOD₅") single grab for the monitoring period ending September 30, 2012, by the 20th day of the following month.
5. During a record review on September 13, 2013, TCEQ staff documented that the Facility did not meet the permitted effluent limitations as shown in the following table:

Effluent Violations Table					
	Ammonia Nitrogen DAV Concentration	Ammonia Nitrogen SG Concentration	Ammonia Nitrogen Loading	CBOD ₅ DAV	Total Suspended Solids DAV
Month/Year	Limit = 3 mg/L	Limit = 15 mg/L	Limit = 3 lbs/day	Limit = 10 mg/L	Limit = 15 mg/L
December 2012	24.42	33	7.67	12.92	c
January 2013	17.53	27	5.26	13.68	18
April 2013	11.90	16	c	11.67	c

DAV = Daily Average, SG = Single Grab
mg/L = milligrams per liter
lbs/day = pounds per day
c = Compliant

6. The Respondent received notice of the violations beginning on August 26, 2013.
7. The Executive Director recognizes that:
 - a. By August 29, 2013, the Respondent submitted revised DMRs containing data for daily maximum flow for the monitoring period ending May 31, 2012, and for CBOD₅ single grab analytical results for the monitoring period ending September 30, 2012; and

- b. By September 6, 2013, the Respondent submitted DMRs for the monitoring periods ending November 30, 2012; December 31, 2012; and January 31, 2013 through April 30, 2013.

II. CONCLUSIONS OF LAW

1. The Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE chs. 7 and 26 and the rules of the Commission.
2. As evidenced by Findings of Fact No. 3, the Respondent failed to timely submit effluent monitoring results at the intervals specified in the permit, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1), 305.125(17), and 319.7(d) and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0013901001 Monitoring and Reporting Requirements No. 1.
3. As evidenced by Findings of Fact No. 4, the Respondent failed to timely submit monitoring results at the intervals specified in the permit, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1), 305.125(17) and 319.4 and TPDES Permit No. WQ0013901001 Monitoring and Reporting Requirements No. 1.
4. As evidenced by Findings of Fact No. 5, the Respondent failed to comply with permitted effluent limitations, in violation of TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and TPDES Permit No. WQ0013901001, Interim Effluent Limitations and Monitoring Requirements No. 1.
5. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against the Respondent for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
6. An administrative penalty in the amount of Thirteen Thousand Six Hundred Twelve Dollars (\$13,612) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. Thirteen Thousand Six Hundred Twelve Dollars (\$13,612) shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project ("SEP").

III. ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. The Respondent is assessed an administrative penalty in the amount of Thirteen Thousand Six Hundred Twelve Dollars (\$13,612) as set forth in Section II, Paragraph 6 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: City of Robert Lee, Docket No. 2013-1621-MWD-E" to:

Financial Administration Division, Revenue Operations Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088
2. The Respondent shall implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section II, Paragraph 6 above, Thirteen Thousand Six Hundred Twelve Dollars (\$13,612) of the assessed administrative penalty shall be offset with the condition that the SEP defined in Attachment A, incorporated herein by reference, is implemented by the Respondent. The Respondent's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.
3. The Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order, update the Facility's operational guidance and conduct employee training to ensure that all sampling and analytical procedures are properly accomplished and to ensure that complete written reports are properly submitted to TCEQ, in accordance with TPDES Permit No. WQ0013901001, Monitoring and Reporting Requirements;
 - b. Within 45 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision No. 3.a, in accordance with Ordering Provision No. 3.d below;
 - c. Within 90 days after the effective date of this Agreed Order, submit written certification of compliance with the permitted effluent limitations of TPDES Permit No. WQ0013901001, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current

DMRs, demonstrating at least three consecutive months of compliance with all permitted effluent limitations. The certification shall include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with the permitted effluent limitations, in accordance with Ordering Provision No. 3.d below; and

- d. The certifications shall be notarized by a State of Texas Notary Public and include the following certification language:

“I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations.”

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Water Section Manager
San Angelo Regional Office
Texas Commission on Environmental Quality
622 South Oakes, Suite K
San Angelo, Texas 76903-7013

4. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
5. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.

6. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
7. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to the Respondent if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
8. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
9. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
10. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
11. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission


For the Executive Director

7/7/14
Date

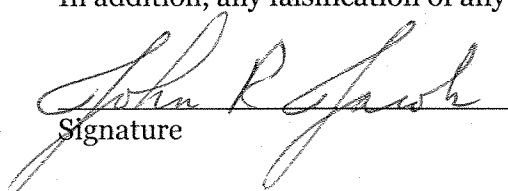
I, the undersigned, have read and understand the attached Agreed Order in the matter of the City of Robert Lee. I am authorized to agree to the attached Agreed Order on behalf of the City of Robert Lee, and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I understand that by entering into this Agreed Order, the City of Robert Lee waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.


Signature

3-17-2014
Date

John R. Jacobs

Mayor

Name (printed or typed)
Authorized Representative of
City of Robert Lee

Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Section III, Paragraph 1 of this Agreed Order.

Attachment A
Docket Number: 2013-1621-MWD-E
SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	City of Robert Lee
Penalty Amount:	Thirteen Thousand Six Hundred Twelve Dollars (\$13,612)
SEP Offset Amount:	Thirteen Thousand Six Hundred Twelve Dollars (\$13,612)
Type of SEP:	Contribution to a Third-Party Pre-Approved SEP
Third-Party Administrator:	Texas Association of Resource Conservation and Development Areas, Inc.
Project Name:	<i>Tire Collection Events and Cleanup of Abandoned Tire Sites</i>
Location of SEP:	Coke County, Colorado River Basin, Edwards-Trinity Plateau Aquifer

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset the administrative penalty amount assessed in this Agreed Order for Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Offset Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

a. Project

Respondent shall contribute the SEP Offset Amount to the Third-Party Administrator named above. The contribution will be to the **Texas Association of Resource Conservation and Development Areas, Inc. ("RC&D")** for the *Tire Collection Events and Cleanup of Abandoned Tire Sites* project. The contribution will be used in accordance with the SEP Agreement between the Third-Party Administrator and the TCEQ (the "Project"). Specifically, the SEP Offset Amount will be used to coordinate with local city and county government officials and private entities ("Partner Entities") to conduct tire collection events where residents will be able to drop off tires for proper disposal or recycling ("Collection Events"), or to clean sites where tires have been disposed of illegally ("Site Cleanups").

RC&D shall ensure that collected tires, debris, and waste are properly transported to and disposed at an authorized disposal site, and if a licensed hauler is needed for tires or other regulated waste collected from sites, RC&D shall ensure that only properly licensed haulers are used for transport and disposal of tires and regulated wastes. The SEP will be

City of Robert Lee
Agreed Order - Attachment A

performed in accordance with all federal, state, and local environmental laws and regulations.

All dollars contributed will be used solely for the direct cost of the Project, including but not limited to supplies, materials, and equipment. Any portion of this contribution that is not able to be spent on the specifically identified SEP may, at the discretion of the Executive Director ("ED"), be applied to another pre-approved SEP.

Respondent's signature affixed to this Agreed Order certifies that it has no prior commitment to make this contribution and that it is being contributed solely in an effort to settle this enforcement action. Respondent shall not profit in any manner from this SEP.

b. Environmental Benefit

This SEP will provide an environmental benefit by providing communities with a free and convenient means for safe and proper disposal of tires and by reducing the dangers and health threats associated with illegally dumped tires.

The health risks associated with illegal dumping are significant. Areas used for illegal tire dumping may be easily accessible to people, especially children, who are vulnerable to the physical hazards posed by abandoned tires. Rodents, insects, and other vermin attracted to dump sites may also pose health risks. Tire dump sites which contain scrap tires pose an ideal breeding ground for mosquitoes, which can breed 100 times faster in the warm, stagnant water standing in scrap tire casings. Severe illnesses, including West Nile Virus, have been attributed to disease-carrying mosquitoes. The potential for tire fires is also reduced by removing illegally dumped tires. Tire fires can result in the contamination of air, surface water, ground water, and soil. In addition, neighborhoods have been evacuated and property damage has been significant due to tire dump sites that caught fire. Illegal tire dumping can also impact drainage of runoff, making areas more susceptible to flooding when wastes block waterways. Open burning at tire dump sites can cause forest fires and erosion as fires burn away trees and undergrowth. Tire dumping has a negative impact on trees and wildlife, and runoff from tire dumpsites may contain chemicals that can contaminate wells and surface water used for drinking.

c. Minimum Expenditure

Respondent shall contribute at least the SEP Offset Amount to the Third-Party Administrator and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, Respondent must contribute the SEP Offset Amount to the Third-Party Administrator. Respondent shall make the check payable to **Texas Association of RC&D SEP** and shall mail the contribution with a copy of the Agreed Order to:

Texas Association of RC&D Areas, Inc.
Ken Awtrey, Executive Director
P.O. Box 635067
Nacogdoches, Texas 75963-5067

3. Records and Reporting

Concurrent with the payment of the SEP Offset Amount, Respondent shall provide the Enforcement SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Offset Amount to the Third-Party Administrator. Respondent shall mail a copy of the check and transmittal letter to:

Texas Commission on Environmental Quality
Enforcement Division
Attention: SEP Coordinator, MC 219
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If Respondent does not perform its obligations under this Attachment A, including full expenditure of the SEP Offset Amount, as described in Sections 2 and 3 above, the ED may require immediate payment of all or part of the SEP Offset Amount.

In the event the ED determines that Respondent failed to fully implement and complete the Project, Respondent shall remit payment for all or a portion of the SEP Offset Amount, as determined by the ED, and as set forth in the attached Agreed Order. After receiving notice of failure to complete the SEP, Respondent shall include the docket number of the attached Agreed Order and a note that the enclosed payment is for the reimbursement of a SEP. Respondent shall make the check payable to "Texas Commission on Environmental Quality" and shall mail it to:

City of Robert Lee
Agreed Order - Attachment A

Texas Commission on Environmental Quality
Litigation Division
Attention: SEP Coordinator, MC 175
P.O. Box 13087
Austin, Texas 78711-3087

5. Publicity

Any public statements concerning this SEP and/or project, made by or on behalf of Respondent must include a clear statement that **the project was performed as part of the settlement of an enforcement action brought by the TCEQ**. Such statements include advertising, public relations, and press releases.

6. Clean Texas Program

Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP Offset Amount identified in this Attachment A and in the attached Agreed Order has not been, and shall not be, included as a SEP for Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.